

(2008) 11 PAT CK 0100
In the Patna High Court
Case No : MJC No. 2348 of 2003

Ashok Kumar Sinha

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 20-11-2008

Acts Referred:

Citation : (2009) 3 PLJR 583

Hon'ble Judges : Ravi Ranjan, J; Chandramauli Kr. Pd., J

Bench : Division Bench

Advocate : Ashok Kumar Choudhary, Umesh Pd. Singh and Gajendra Kr. Jha, for the Appellant; S.K. Ghosh for the State and Mr. Rajiv Nayan Singh for the O.P. No. 3, for the Respondent

Final Decision : Dismissed

Judgement

Prasad and Ranjan, JJ.—This application has been filed for initiating a proceeding for contempt against the opposite party for non-compliance of the order dated 4th of July, 2003 passed by a Division Bench of this Court in L.P.A. No. 454 of 1996. While allowing the Letters Patent Appeal this Court observed as follows:--

In the circumstances the State Government is already possessed of the record on the correspondence which the Housing Board has made to it and it shall obtain the concurrence of the Bihar Public Service Commission. The case of the petitioners-appellants will be referred to the Bihar Public Service Commission within one month from today and it is expected that the Commission will act on the record and in a month after the receipt of the record and communicate its decision to the State government and thereafter the State government to the Board.

2. Mr. Umesh Prasad Singh, Senior Advocate appearing on behalf of the petitioner does not dispute that the matter was referred to the Bihar Public Service Commission which did not concur to the appointment of the petitioner and made communication accordingly.

3. He had attempted to assail the said communication. We are afraid, present proceeding is not an appropriate proceeding to go into its validity. Petitioner, if so advised may take recourse to any other remedy available to him in law. Application stands dismissed with the liberty aforesaid.